

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 320 be amended to read as follows:

- 1 Page 1, delete lines 1 through 11, and insert:
2 "SECTION 1. IC 4-6-3-3 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. If the attorney general
4 has reasonable cause to believe that a person may be in possession,
5 custody, or control of documentary material, or may have knowledge
6 of a fact that is relevant to an investigation conducted to determine if
7 a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10,
8 IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5,
9 IC 13-30-6, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7,
10 IC 24-5-8, IC 25-1-7, **IC 25-1-7.5**, IC 32-9-1.5, or any other statute
11 enforced by the attorney general, only the attorney general may issue
12 in writing, and cause to be served upon the person or the person's
13 representative or agent, an investigative demand that requires that the
14 person served do any combination of the following:
15 (1) Produce the documentary material for inspection and copying
16 or reproduction.
17 (2) Answer under oath and in writing written interrogatories.
18 (3) Appear and testify under oath before the attorney general or
19 the attorney general's duly authorized representative.
20 SECTION 2. IC 5-2-5-5, AS AMENDED BY P.L.10-1999,
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 NOVEMBER 1, 2000]: Sec. 5. (a) Except as provided in subsection
23 (b), on request, law enforcement agencies shall release or allow
24 inspection of a limited criminal history to noncriminal justice

1 organizations or individuals only if the subject of the request:

2 (1) has applied for employment with a noncriminal justice
3 organization or individual;

4 (2) has applied for a license and criminal history data as required
5 by law to be provided in connection with the license;

6 (3) is a candidate for public office or a public official;

7 (4) is in the process of being apprehended by a law enforcement
8 agency;

9 (5) is placed under arrest for the alleged commission of a crime;

10 (6) has charged that his rights have been abused repeatedly by
11 criminal justice agencies;

12 (7) is the subject of judicial decision or determination with
13 respect to the setting of bond, plea bargaining, sentencing, or
14 probation;

15 (8) has volunteered services that involve contact with, care of, or
16 supervision over a child who is being placed, matched, or
17 monitored by a social services agency or a nonprofit corporation;

18 (9) has volunteered services at a public school (as defined in
19 IC 20-10.1-1-2) or non-public school (as defined in
20 IC 20-10.1-1-3) that involve contact with, care of, or supervision
21 over a student enrolled in the school;

22 (10) is being investigated for welfare fraud by an investigator of
23 the division of family and children or a county office of family
24 and children;

25 (11) is being sought by the parent locator service of the child
26 support bureau of the division of family and children; ~~or~~

27 **(12) is being investigated for a violation under IC 25-1-9 by an**
28 **investigator of the health professions investigation division**
29 **(IC 25-1-7.5); or**

30 ~~(12)~~ **(13)** has been convicted of any of the following:

31 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
32 (18) years of age.

33 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
34 less than eighteen (18) years of age.

35 (C) Child molesting (IC 35-42-4-3).

36 (D) Child exploitation (IC 35-42-4-4(b)).

37 (E) Possession of child pornography (IC 35-42-4-4(c)).

38 (F) Vicarious sexual gratification (IC 35-42-4-5).

39 (G) Child solicitation (IC 35-42-4-6).

40 (H) Child seduction (IC 35-42-4-7).

41 (I) Incest (IC 35-46-1-3), if the victim is less than eighteen
42 (18) years of age.

43 However, limited criminal history information obtained from the
44 National Crime Information Center may not be released under this
45 section except to the extent permitted by the Attorney General of the
46 United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for the purpose of employment and licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 3. IC 15-5-1.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 8. (a) The powers enumerated in this section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

(b) The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine in this state; and
- (2) registration to practice as a veterinary technician in this state.

(c) The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine in this state; and
- (2) registrations or special permits to practice as a veterinary technician in this state.

(d) The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with the provisions of this chapter and the rules adopted thereunder.

(e) The board is vested with the sole authority to determine the examinations applicants are required to take, the subjects to be covered, and the places where and the dates on which examinations will be given.

(f) The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a veterinary technician.

(g) The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician.

(h) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, the board may conduct investigations for the purpose of discovering violations of this chapter:

- (1) by licensed veterinarians or registered veterinary technicians;
- or
- (2) by persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

(i) The board may inspect, without notice and during normal

1 working hours, veterinary hospitals, clinics, or other establishments to
 2 determine if such places meet the board's standards of cleanliness and
 3 sanitation as defined by the board's rules.

4 (j) The board may hold hearings on all matters properly brought
 5 before it and in connection thereto may administer oaths, receive
 6 evidence, make findings, and enter orders consistent with the findings.
 7 The board may require by subpoena the attendance and testimony of
 8 witnesses and the production of papers, records, or other documentary
 9 evidence and commission depositions. The board may designate one
 10 (1) or more of its members to serve as its hearing officer.

11 (k) The board may bring proceedings in the courts for the
 12 enforcement of this chapter or any rules made pursuant thereto.

13 (l) The board shall have fees collected for examining and licensing
 14 veterinarians and for examining and registering veterinary technicians.

15 (m) The board may enter into reciprocal agreements with its
 16 counterpart boards in other states and may effect such agreements by
 17 rule.

18 (n) The board may appoint from its own membership one (1) or
 19 more members to act as representatives of the board at any meeting
 20 within or without the state where such representation is deemed
 21 desirable.

22 (o) The bureau shall provide the board with full or part-time
 23 professional and clerical personnel and supplies including printed
 24 matter and equipment necessary to effectuate the provisions of this
 25 chapter.

26 (p) The board may, in the manner prescribed by IC 4-22-2, adopt
 27 such reasonable rules as it deems necessary for the performance of its
 28 duties, consistent with this chapter and other applicable laws of this
 29 state. Any rule adopted under, and applicable to, the prior veterinarian
 30 and veterinary technician licensing and registration laws (IC 15-5-1
 31 and IC 15-5-1.5) continues in effect under this chapter until rescinded
 32 or amended by the board.

33 (q) The board may adopt an appropriate seal which may be affixed
 34 to all license and registration certificates and other official documents
 35 of the board.

36 SECTION 4. IC 25-1-5-4, AS AMENDED BY P.L.22-1999,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [JULY 1,
 38 2000] [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The bureau shall
 39 employ necessary staff, including specialists and professionals, to carry
 40 out the administrative duties and functions of:

41 (1) the boards, including ~~but not limited to:~~ **the following:**

42 (1) (A) notice of board meetings and other communication
 43 services;

44 (2) (B) recordkeeping of board meetings, proceedings, and
 45 actions;

46 (3) (C) recordkeeping of all persons licensed, regulated, or

certified by a board;

~~(4)~~ (D) administration of examinations; and

~~(5)~~ (E) administration of license or certificate issuance or renewal; **and**

(2) the health professions investigation division."

Page 2, line 41, strike "IC 25-1-7." and insert "**IC 25-1-7.5**".

Page 3, line 13, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, line 14, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, line 16, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, between lines 34 and 35, begin a new paragraph and insert:
"SECTION 5. IC 25-1-5-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The bureau shall
be administered by an executive director appointed by the governor
who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the bureau or the executive director's designee.

(d) The executive director is the chief fiscal officer of the bureau and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the bureau are subject to IC 4-15-1.8 but are not under IC 4-15-2. **Except as provided under IC 25-1-7.5-8**, the executive director may appoint not ~~to exceed~~ **more than** three (3) deputy directors, who must be qualified to work for the boards which are served by the bureau.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the bureau to execute a bond if that employee receives, disburses, or in any way handles funds or property of the bureau. The costs of any such bonds shall be paid from funds available to the bureau.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the bureau and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas,

1 continuanes, and other legal documents on behalf of a board or
2 committee when requested to do so by the board or committee.

3 (h) The executive director or the executive director's designee may,
4 upon request of a board or committee, provide advice and technical
5 assistance on issues that may be presented to the boards or committees.

6 SECTION 6. IC 25-1-7-1, AS AMENDED BY P.L.24-1999,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 NOVEMBER 1, 2000]: Sec. 1. As used in this chapter:

9 "Board" means the appropriate agency listed in the definition of
10 regulated occupation in this section.

11 "Director" refers to the director of the division of consumer
12 protection.

13 "Division" refers to the division of consumer protection, office of
14 the attorney general.

15 "Licensee" means a person who is:

16 (1) licensed, certified, or registered by a board listed in this
17 section; and

18 (2) the subject of a complaint filed with the division.

19 "Person" means an individual, a partnership, a limited liability
20 company, or a corporation.

21 "Regulated occupation" means an occupation in which a person is
22 licensed, certified, or registered by one (1) of the following:

23 (1) Indiana board of accountancy (IC 25-2.1-2-1).

24 (2) Board of registration for architects (IC 25-4-1-2).

25 (3) Indiana auctioneer commission (IC 25-6.1-2-1).

26 (4) State board of barber examiners (IC 25-7-5-1).

27 (5) State boxing commission (IC 25-9-1).

28 ~~(6) Board of chiropractic examiners (IC 25-10-1).~~

29 ~~(7) (6) State board of cosmetology examiners (IC 25-8-3-1).~~

30 ~~(8) State board of dentistry (IC 25-14-1).~~

31 ~~(9) (7) State board of funeral and cemetery service (IC 25-15-9).~~

32 ~~(10) (8) State board of registration for professional engineers~~
33 ~~(IC 25-31-1-3).~~

34 ~~(11) Indiana state board of health facility administrators~~
35 ~~(IC 25-19-1).~~

36 ~~(12) Medical licensing board of Indiana (IC 25-22.5-2).~~

37 ~~(13) Indiana state board of nursing (IC 25-23-1).~~

38 ~~(14) Indiana optometry board (IC 25-24).~~

39 ~~(15) Indiana board of pharmacy (IC 25-26).~~

40 ~~(16) (9) Indiana plumbing commission (IC 25-28.5-1-3).~~

41 ~~(17) Board of podiatric medicine (IC 25-29-2-1).~~

42 ~~(18) Board of environmental health specialists (IC 25-32-1).~~

43 ~~(19) State psychology board (IC 25-33).~~

44 ~~(20) Speech-language pathology and audiology board~~
45 ~~(IC 25-35.6-2).~~

46 ~~(21) (10) Indiana real estate commission (IC 25-34.1-2).~~

1 ~~(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).~~
 2 ~~(23) (11) Department of natural resources for purposes of~~
 3 ~~licensing water well drillers under IC 25-39-3.~~
 4 ~~(24) Respiratory care committee (IC 25-34.5).~~
 5 ~~(25) (12) Private detectives licensing board (IC 25-30-1-5.1).~~
 6 ~~(26) Occupational therapy committee (IC 25-23.5).~~
 7 ~~(27) Social worker, marriage and family therapist, and mental~~
 8 ~~health counselor board (IC 25-23.6).~~
 9 ~~(28) (13) Real estate appraiser licensure and certification board~~
 10 ~~(IC 25-34.1-8).~~
 11 ~~(29) (14) State board of registration for land surveyors~~
 12 ~~(IC 25-21.5-2-1).~~
 13 ~~(30) Physician assistant committee (IC 25-27.5).~~
 14 ~~(31) Indiana athletic trainers board (IC 25-5.1-2-1).~~
 15 ~~(32) Indiana dietitians certification board (IC 25-14.5-2-1).~~
 16 ~~(33) Indiana hypnotist committee (IC 25-20.5-1-7).~~
 17 ~~(34) Indiana physical therapy committee (IC 25-27).~~
 18 ~~(35) (15) Except for a regulated occupation defined under~~
 19 ~~IC 25-1-7.5-7, any other occupational or professional agency~~
 20 ~~created after June 30, 1981.~~

21 SECTION 7. IC 25-1-7.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 MAY 1, 2000]:

24 **Chapter 7.5. Investigation and Prosecution of Complaints**
 25 **Concerning Regulated Health Professions**

26 **Sec. 1.** As used in this chapter, "board" means the appropriate
 27 agency listed in the definition of regulated occupation in this
 28 chapter.

29 **Sec. 2.** As used in this chapter, "bureau" refers to the health
 30 professions bureau established by IC 25-1-5-3.

31 **Sec. 3.** As used in this chapter, "director" refers to the director
 32 of the health professions investigation division.

33 **Sec. 4.** As used in this chapter, "division" refers to the health
 34 professions investigation division established by section 8 of this
 35 chapter.

36 **Sec. 5.** As used in this chapter, "licensee" means a person who
 37 is:

- 38 (1) licensed, certified, or registered by a board listed in this
- 39 chapter; and
- 40 (2) the subject of a complaint filed with the division.

41 **Sec. 6.** As used in this chapter, "person" means an individual, a
 42 partnership, a limited liability company, a limited liability
 43 partnership, a corporation, or another legal business entity.

44 **Sec. 7.** As used in this chapter, "regulated occupation" means an
 45 occupation in which a person is licensed, certified, or registered by
 46 one (1) of the following:

- 47 (1) Indiana athletic trainers certification board

(IC 25-5.1-2-1).

(2) Board of chiropractic examiners (IC 25-10-1).

(3) State board of dental examiners (IC 25-14-1).

(4) Indiana dietitians certification board (IC 25-14.5-2-1).

(5) Board of environmental health specialists (IC 25-32).

(6) Indiana state board of health facility administrators
(IC 25-19-1).

(7) Medical licensing board of Indiana (IC 25-22.5-2).

(8) Indiana state board of nursing (IC 25-23-1).

(9) Occupational therapy committee (IC 25-23.5).

(10) Indiana optometry board (IC 25-24).

(11) Indiana board of pharmacy (IC 25-26).

(12) Indiana physical therapy committee (IC 25-27-1).

(13) Physician assistant committee (IC 25-27.5).

(14) Board of podiatric medicine (IC 25-29-2-1).

(15) State psychology board (IC 25-33).

(16) Respiratory care committee (IC 25-34.5).

(17) Social work certification and marriage and family
therapists credentialing board (IC 25-23.6).

(18) Speech-language pathology and audiology board
(IC 25-35.6-2).

(19) Indiana board of veterinary medical examiners
(IC 15-5-1.1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

Sec. 8. (a) The health professions investigation division is
established within the bureau.

(b) The executive director of the bureau shall appoint a director
and at least one (1) deputy director of the division. The director
and deputy directors must be licensed attorneys.

(c) The director, with the approval of the executive director of
the bureau, shall hire at least seven (7) investigators to work in the
division. An investigator's duties may not include staffing or
providing administrative functions to a board.

(d) The director may delegate duties assigned to the director
under this chapter to a deputy director.

Sec. 9. (a) The division is responsible for the investigation of
complaints concerning licensees.

(b) The office of the attorney general is not prohibited from
conducting an investigation of a licensee that is being or has been
investigated by the division.

Sec. 10. Each board shall designate one (1) member to serve as
an official liaison with the division.

Sec. 11. The director has the following duties and powers:

(1) To make an initial determination as to the merit of each
complaint and to determine whether to initiate an
investigation against a licensee or an unlicensed person who
is practicing a regulated profession or using a title without a

1 credential required for that profession.

2 (2) To contract with health care professionals or other experts
3 to assist in an investigation.

4 (3) To notify the licensee through reasonable means of the
5 nature and ramifications of the complaint and of the duty of
6 the board to attempt to resolve the complaint through
7 negotiation.

8 (4) To report any pertinent information regarding the status
9 of the complaint to the complainant.

10 (5) To subpoena witnesses and send for and compel the
11 production of books, records, papers and documents for the
12 furtherance of any investigation under this chapter. The
13 circuit or superior court located in the county where a
14 subpoena is issued by the director shall enforce the subpoena.

15 (6) To assign duties under this section to employees in the
16 division.

17 Sec. 12. (a) A complaint must be written and signed by the
18 complainant and initially filed with the director. A report of a
19 judgment rendered or a settlement issued under IC 34-18-9-3 is a
20 complaint.

21 (b) Except for employees of the division acting in their official
22 capacity, a complaint may be filed by any person, including a
23 member of a board.

24 (c) Except as needed to proceed with an investigation or as
25 provided in this chapter, a complaint filed against a licensee is
26 confidential until charges are filed under section 18 of this chapter.

27 Sec. 13. The division must maintain a confidential computer
28 data base that includes the following:

29 (1) Each complaint filed under this chapter, including the
30 name of the complainant and the licensee or unlicensed
31 individual who is practicing a regulated profession.

32 (2) The action taken on each complaint.

33 (3) Other information required by the director.

34 Sec. 14. The division may examine the following concerning an
35 individual against whom a complaint is filed under section 12 of
36 this chapter:

37 (1) An application or report that is submitted to a board.

38 (2) A limited criminal history under IC 5-2-5.

39 Sec. 15. (a) If the director determines a complaint has merit, the
40 director shall do the following:

41 (1) Assign an investigator to begin an investigation.

42 (2) If the complaint is against a licensee, submit a notice to the
43 board having jurisdiction over the licensee's regulated
44 occupation stating that a complaint has been filed.

45 (b) If the director determines that a complaint against a licensee
46 does not have merit, a synopsis of the complaint and reasons for
47 not investigating the complaint must be provided to the liaison

1 from the licensee's board. The name of the licensee may not be
2 included on the synopsis.

3 **Sec. 16. (a)** If the board files with the director a statement signed
4 by the licensee and the complainant that the complaint has been
5 resolved, the director shall not take further action.

6 (b) The board may file a notice with the director not to proceed
7 with the investigation of a licensee for a specific period of time. The
8 board may file a subsequent notice to extend the postponement of
9 the investigation or to proceed with the investigation.

10 **Sec. 17. (a)** If a statement of settlement has not been filed by the
11 board under section 16 of this chapter, after conducting an initial
12 investigation the director shall consult with and present
13 information from the investigation to the attorney general and the
14 appropriate board's liaison before making a recommendation to
15 the board.

16 (b) The director, or the director's designee, shall present the
17 information from the complaint and investigation of a licensee to
18 the board. The board shall by roll call vote recommend one (1) or
19 more of the following:

20 (1) That the attorney general prosecute the matter on behalf
21 of the state of Indiana at a hearing before the board.

22 (2) That the board proceed with an informal negotiation with
23 the licensee.

24 (3) That the division investigate further concerning the
25 licensee and report back to the board.

26 (4) That a summary suspension of the licensee's license is in
27 effect pending prosecution of the matter before the board.

28 (5) That disciplinary action not be taken against the licensee.

29 (c) Upon receiving the board's recommendation, the attorney
30 general may prosecute the matter on behalf of the state of Indiana
31 before the board.

32 (d) Notwithstanding subsection (b), if the board by a two-thirds
33 (2/3) vote of the appointed members requests, the attorney general
34 shall prosecute the matter before the board on behalf of the state
35 of Indiana.

36 **Sec. 18.** If the attorney general proceeds to prosecute a matter
37 under section 17(c) or 17(d) of this chapter:

38 (1) the attorney general must file charges against the licensee;
39 and

40 (2) the division shall transfer information collected from the
41 division's investigation of the licensee to the attorney general.

42 **Sec. 19. (a)** The board may designate any person as a hearing
43 officer to hear the matter before the board.

44 (b) At the hearing, the state, licensee, board, or hearing officer
45 may call witnesses.

46 **Sec. 20.** If the director determines that an unlicensed person is
47 practicing a regulated profession or using a title without a

1 credential required for that profession, the director shall forward
2 the complaint and any information gathered by the division to the
3 appropriate prosecuting attorney.

4 Sec. 21. (a) A board member may not participate in a hearing by
5 the board if the board member filed the complaint or participated
6 in negotiations regarding the complaint.

7 (b) Serving as the hearing officer is not grounds for
8 disqualifying a board member from the board's final
9 determination.

10 Sec. 22. This chapter does not limit the rights of the licensee or
11 the state under IC 4-21.5.

12 Sec. 23. The division shall submit to each board an annual
13 report that includes the following information concerning that
14 regulated occupation:

- 15 (1) The number of complaints filed.
- 16 (2) The number of cases currently under investigation.
- 17 (3) The number of cases closed.
- 18 (4) The number of cases resolved.

19 Sec. 24. (a) The health professions investigations fund is
20 established for the purpose of funding the salaries and expenses of
21 the division to carry out the division's duties and responsibilities
22 under this chapter. The fund shall be administered by the bureau.

23 (b) The expenses of administering the fund shall be paid from
24 money in the fund. The account consists of fees, civil penalties, and
25 assessments collected by a board or the bureau.

26 (c) The treasurer of state shall invest the money in the fund not
27 currently needed to meet the obligations of the fund in the same
28 manner as other public funds may be invested.

29 (d) Money in the fund at the end of a fiscal year does not revert
30 to the state general fund. However, if the amount of money in the
31 fund at the end of a state fiscal biennium exceeds seven hundred
32 fifty thousand dollars (\$750,000), the treasurer shall transfer the
33 excess from the fund into the state general fund.

34 Sec. 25. (a) Notwithstanding any other law, except as provided
35 in subsection (b), all fees, civil penalties, and assessments collected
36 by a board or the bureau must be deposited in the health
37 professions investigations fund.

38 (b) The fees, civil penalties, and assessments collected by a
39 board or the bureau for the following accounts may not be
40 deposited in the health professions investigations fund:

- 41 (1) The impaired nurses account (IC 25-23-1-34).
- 42 (2) The optometry school account (IC 25-24-2-3).
- 43 (3) The impaired pharmacists account (IC 25-26-13-30).

44 Sec. 26. (a) If:

- 45 (1) a fund is created by statute for the payment of an unpaid
46 judgment against a licensee; and
- 47 (2) the office of the attorney general is required by statute to

1 provide services to the boards that administer the funds
 2 described in subdivision (1);
 3 the office of the attorney general is entitled to reimbursement for
 4 the costs incurred in providing the services described in
 5 subdivision (2).

6 (b) If:

7 (1) more than one (1) fund is established by statute for the
 8 payment of an unpaid judgment against a licensee; and

9 (2) the office of the attorney general is entitled to
 10 reimbursement under subsection (a);

11 the funds for reimbursement shall be taken in equal amounts from
 12 each of the funds described in subdivision (1).

13 **Sec. 27. The division may adopt rules under IC 4-22-2 that are**
 14 **necessary to implement this chapter.**

15 SECTION 8. IC 25-1-11-9.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 9.5. (a) On
 17 receipt of a complaint or an information alleging that a person licensed
 18 under this chapter has engaged in or is engaging in a practice that
 19 jeopardizes the public health, safety, or welfare, the board shall initiate
 20 ~~an investigation~~ **a complaint** against the person **with the health**
 21 **professions investigation division.**

22 (b) ~~Any complaint filed with the office of the attorney general~~
 23 ~~alleging a violation of this chapter shall be referred to the board for~~
 24 ~~summary review and for its general information and any authorized~~
 25 ~~action at the time of the filing.~~

26 (c) ~~The board shall assign one (1) or more of its members to conduct~~
 27 ~~a fact finding investigation as the board considers proper in relation to~~
 28 ~~the complaint.~~

29 SECTION 9. IC 25-10-1-1.5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 1.5. (a) There
 31 is created a board of chiropractic examiners. The board shall consist of
 32 seven (7) members appointed by the governor, not more than four (4)
 33 of whom may be affiliated with the same political party. Six (6) of the
 34 board members must be licensed under this chapter and must have had
 35 at least five (5) years of experience as a chiropractor prior to their
 36 appointment. One (1) member is to represent the general public and
 37 must be:

38 (1) a resident of this state; and

39 (2) in no way associated with the profession of chiropractic other
 40 than as a consumer.

41 (b) All members shall be appointed for a term of three (3) years and
 42 serve until their successors are appointed and qualified. A vacancy
 43 occurring on the board shall be filled by the governor by appointment.
 44 Each appointed member shall serve for the unexpired term of the
 45 vacating member.

46 (c) The members of the board are entitled to the minimum salary per

diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter. ~~and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.~~

(f) The board may do the following:

- (1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.
- (2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.
- (3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.
- (4) Issue, deny, suspend, revoke, and renew certificates.
- (5) ~~Subject to IC 25-1-7,~~ **to IC 25-1-7.5,** investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.
- (6) Initiate the prosecution and enjoinder of a person violating this chapter.
- (7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.
- (8) Maintain a current list of individuals certified under this chapter.
- (9) Establish a code of professional conduct.
- (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual

adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 10. IC 25-10-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. ~~All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state. All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes."~~

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 12. IC 25-14-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3.5. (a) Under IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

(b) All money received by the board under this chapter shall be paid to the bureau, which shall ~~(+)~~ give a proper receipt for the ~~same; and~~

~~(2) at the end of each month:~~

~~(A) report to the auditor of state the total amount received from all sources; and~~

~~(B) deposit the entire amount of such receipts with the state treasurer to be deposited by the treasurer in the general fund of the state.~~

money received. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for making such appropriations."

Page 6, after line 31, begin a new paragraph and insert:

"SECTION 14. IC 25-14-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 13. (a) The board is charged with the duty of administering and enforcing the laws pertaining to the practice of dentistry and of dental hygiene. The board may adopt and enforce rules for the administration and enforcement of this article in accordance with IC 4-22-2. The board shall adopt a code of professional conduct and shall adopt rules establishing standards for the competent practice of dentistry or dental hygiene. The board may

1 adopt rules concerning assessment of costs in disciplinary proceedings
2 before the board.

3 (b) Complaints against persons licensed under this article or
4 IC 25-13 are subject to ~~IC 25-1-7~~: **IC 25-1-7.5**. The board may conduct
5 hearings concerning these complaints in accordance with IC 4-21.5.

6 SECTION 15. IC 25-14-1-20 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 20. Proceedings
8 for disciplinary action against a holder of a license to practice dentistry
9 or dental hygiene in Indiana shall be had in accordance with ~~IC 25-1-7~~
10 **IC 25-1-7.5** and IC 4-21.5.

11 SECTION 16. IC 25-19-1-5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The Indiana
13 health facilities council, pursuant to authority provided by IC 16-28,
14 has, by rule duly promulgated, classified health facilities into
15 comprehensive health facilities and residential health facilities. The fee
16 for a health facility administrator's license in either classification shall
17 be set by the board under section 8 of this chapter.

18 (b) ~~Such fee~~ **Fees** and ~~application~~ **applications** shall be submitted
19 to the board. ~~and~~ The board shall transmit all ~~such~~ funds ~~so~~ received to
20 the ~~treasurer of state~~ **health professions bureau** to be deposited ~~by him~~
21 in the ~~general~~ **health professions investigations** fund. ~~of the state~~. All
22 expenses incurred in the administration of this chapter shall be paid
23 from the general fund upon appropriation being made therefor in the
24 manner provided by law for making such appropriations.

25 (c) The administrator of a comprehensive care facility must have a
26 comprehensive care license issued by the board in accordance with
27 rules adopted under section 8 of this chapter.

28 SECTION 17. IC 25-19-1-8 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 8. The board
30 shall do the following:

31 (1) Adopt rules establishing standards for the competent practice
32 of a health facility administrator.

33 (2) Develop and apply appropriate techniques, including
34 examination and investigations, for determining whether an
35 individual meets the standards.

36 (3) Issue licenses to individuals determined, after application of
37 the appropriate criteria, to meet the standards, and for cause, after
38 due notice and hearing, impose sanctions under IC 25-1-9,
39 including placing the licensee on probation and revoking or
40 suspending licenses previously issued by the board in any case
41 where the individual holding the license is determined
42 substantially to have failed to conform to the requirements of the
43 standards.

44 (4) Establish and carry out the procedures designed to ensure that
45 individuals licensed as health facility administrators will, during
46 any period that they serve as such, comply with the requirements

1 of the standards.

2 (5) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, receive, investigate, and
 3 take appropriate action under IC 25-1-9 with respect to, and
 4 including probation, suspension, or the revocation of a license if
 5 necessary after due notice and hearing and for cause, any charge
 6 or complaint filed with the board to the effect that any individual
 7 licensed as a health facility administrator has failed to comply
 8 with the requirements of the standards.

9 (6) Conduct a continuing study and investigation of health
 10 facilities and administrators of health facilities in the state to
 11 improve the standards imposed for the licensing of the
 12 administrators and of procedures and methods for the
 13 enforcement of the standards with respect to licensed health
 14 facility administrators.

15 (7) Conduct, or cause to be conducted, one (1) or more courses of
 16 instruction and training sufficient to meet the requirements of this
 17 chapter, and shall make provisions for the courses and their
 18 accessibility to residents of this state unless it finds and approves
 19 a sufficient number of courses conducted by others within this
 20 state. The board may approve courses conducted in or outside this
 21 state sufficient to meet the education and training requirements of
 22 this chapter.

23 (8) Take other actions, not inconsistent with law, including
 24 establishing and approving requirements for continuing
 25 professional education for licensure renewal making provisions
 26 for accepting and disbursing funds for educational purposes, as
 27 may be necessary to enable the state to meet the requirements set
 28 forth in Section 1908 of the Social Security Act (42 U.S.C.
 29 1396g), the federal regulations adopted under that law, and other
 30 pertinent federal authority, and designing any other action to
 31 improve the professional competence of licensees.

32 SECTION 18. IC 25-20-1-17.1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 17.1. (a) A
 34 complaint against a person registered or temporarily registered under
 35 this chapter is subject to ~~IC 25-1-7~~. **IC 25-1-7.5**.

36 (b) The board may impose sanctions under IC 25-1-9 against a
 37 person registered or temporarily registered under this chapter.

38 (c) An action taken by the board under this section must be
 39 approved by a majority of the quorum.

40 SECTION 19. IC 25-22.5-2-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. The funds obtained
 42 from registration and penalty fees ~~shall, upon receipt thereof, must be~~
 43 accounted for and ~~paid over~~ **deposited** by the service bureau ~~to into the~~
 44 ~~treasurer of state and be placed in the general health professions~~
 45 **investigations fund. of the state**. The expenses of the board shall be
 46 paid from the general fund upon appropriation being made therefor in

1 the manner required by law for the making of such appropriations. The
 2 amount to be expended by the board shall not exceed the amount
 3 collected by the board from all sources.

4 SECTION 20. IC 25-24-1-13 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. Each member of the
 6 board may receive as compensation a salary per diem for each day
 7 actually engaged in the duties of his office and necessary travel
 8 expenses incurred in attending the meetings of the board in accordance
 9 with travel policies and procedures established by the department of
 10 administration and the state budget agency. All expenses shall be paid
 11 from the general fund upon appropriation being made therefor in the
 12 manner provided by law for the making of such appropriations. All fees
 13 and assessments received under ~~the provisions of this chapter shall~~
 14 **must** be deposited ~~with the treasurer of the state of Indiana, and be~~
 15 ~~deposited by him in the general health professions investigations~~
 16 ~~fund. of the state.~~ The treasurer shall pay the per diem expenses as
 17 provided herein only on the itemized verified statement of the person
 18 entitled thereto. In accordance with IC 25-1-5, ~~said the~~ board is
 19 expressly authorized to use any part of ~~said the~~ appropriated funds
 20 available for the purpose of assisting in prosecuting any person
 21 violating any of the provisions of this chapter, or for the purpose of
 22 enforcing by legal action, any of the provisions of this chapter.

23 SECTION 21. IC 25-26-13-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 4. (a) The board
 25 may:

- 26 (1) ~~promulgate adopt~~ rules ~~and regulations~~ under IC 4-22-2 for
 27 implementing and enforcing this chapter;
- 28 (2) establish requirements and tests to determine the moral,
 29 physical, intellectual, educational, scientific, technical, and
 30 professional qualifications for applicants for pharmacists'
 31 licenses;
- 32 (3) refuse to issue, deny, suspend, or revoke a license or permit or
 33 place on probation or fine any licensee or permittee under this
 34 chapter;
- 35 (4) regulate the sale of drugs and devices in the state of Indiana;
- 36 (5) impound, embargo, confiscate, or otherwise prevent from
 37 disposition any drugs, medicines, chemicals, poisons, or devices
 38 which by inspection are deemed unfit for use or would be
 39 dangerous to the health and welfare of the citizens of the state of
 40 Indiana; the board shall follow those embargo procedures found
 41 in IC 16-42-1-18 through IC 16-42-1-31, and persons may not
 42 refuse to permit or otherwise prevent members of the board or
 43 their representatives from entering such places and making such
 44 inspections;
- 45 (6) prescribe minimum standards with respect to physical
 46 characteristics of pharmacies, as may be necessary to the

1 maintenance of professional surroundings and to the protection of
2 the safety and welfare of the public;

3 (7) subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, investigate complaints,
4 subpoena witnesses, schedule and conduct hearings on behalf of
5 the public interest on any matter under the jurisdiction of the
6 board;

7 (8) prescribe the time, place, method, manner, scope, and subjects
8 of licensing examinations which shall be given at least twice
9 annually; and

10 (9) perform such other duties and functions and exercise such
11 other powers as may be necessary to implement and enforce this
12 chapter.

13 (b) The board shall adopt rules under IC 4-22-2 for the following:

14 (1) Establishing standards for the competent practice of
15 pharmacy.

16 (2) Establishing the standards for a pharmacist to counsel
17 individuals regarding the proper use of drugs.

18 (c) The board may grant or deny a temporary variance to a rule it
19 has adopted if:

20 (1) the board has adopted rules which set forth the procedures and
21 standards governing the grant or denial of a temporary variance;
22 and

23 (2) the board sets forth in writing the reasons for a grant or denial
24 of a temporary variance.

25 **SECTION 22. IC 25-26-13-23 IS AMENDED TO READ AS**
26 **FOLLOWS [EFFECTIVE JULY 1, 2000]:** Sec. 23. (a) The board shall
27 establish appropriate fees to carry out this chapter.

28 (b) All fees are nonrefundable. A receipt shall be issued for all fees
29 and fines submitted.

30 (c) All fees collected under this section and fines collected under
31 ~~IC 25-1-9 shall~~ **must be transferred to the treasurer of state and**
32 ~~deposited in the general of the state.~~ **health professions investigations**
33 **fund.**

34 (d) The board may adopt rules that provide that at the time of
35 license renewal, each licensed pharmacist pay an additional fee not to
36 exceed ten dollars (\$10). The amounts collected under this subsection
37 shall be deposited in the impaired pharmacists account established
38 under section 30 of this chapter.

39 **SECTION 23. IC 25-32-1-8 IS AMENDED TO READ AS**
40 **FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]:** Sec. 8. (a) The
41 members of the board shall annually elect from their number a
42 chairman and vice chairman.

43 (b) The board shall supervise the enforcement of the provisions of
44 this chapter and possess the necessary authority to fulfill its duties as
45 prescribed in this chapter. The board may utilize on a full or part-time
46 basis such employees as are necessary to maintain records, pertinent to

the examination and registration of environmental health specialists or to assist in any manner in the performance of duties as required under the chapter. The board may also utilize the staff of the health professions bureau.

(c) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, the board may hold hearings for the purpose of administrative adjudication of such matters as may properly come before it, make the necessary determinations, and issue such orders as may be consistent with the findings.

(d) The board may establish the procedures for conducting examinations and for obtaining the certificates and permits required by this chapter and methods by which the qualifications of an applicant shall be evaluated.

(e) The board may adopt reasonable rules to carry out and enforce the provisions of this chapter. The board shall adopt rules establishing standards for the competent practice of an environmental health specialist.

(f) The board shall issue a certificate of registration, upon the payment of the registration fee set by the board, to any applicant, who, in the opinion of the board, has satisfactorily met all requirements of this chapter.

(g) The board shall meet at least once a year to transact necessary business. Four (4) members of the board constitute a quorum. Special meetings of the board may be called by the chairman or shall be called upon written request of any three (3) members of the board. A majority of a quorum may transact business.

(h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 24. IC 25-32-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. All registration fees and other fees and charges collected under this chapter ~~shall~~ **must** be deposited ~~with the state treasurer. The state treasurer shall deposit amounts so received by him~~ in the **general health professions investigations** fund. ~~of the state.~~ All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for

1 the making of such appropriations.

2 SECTION 25. IC 25-33-1-3 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. (a) There is
 4 created a board to be known as the "state psychology board". The board
 5 shall consist of seven (7) members appointed by the governor. Six (6)
 6 of the board members shall be licensed under this article and ~~shall~~
 7 ~~had~~ at least five (5) years of experience as a professional psychologist
 8 prior to their appointment. The seventh member shall be appointed to
 9 represent the general public, must be a resident of this state, must never
 10 have been credentialed in a mental health profession, and must in no
 11 way be associated with the profession of psychology other than as a
 12 consumer. All members shall be appointed for a term of three (3) years.
 13 All members may serve until their successors are duly appointed and
 14 qualified. A vacancy occurring on the board shall be filled by the
 15 governor by appointment. The member so appointed shall serve for the
 16 unexpired term of the vacating member. Each member of the board is
 17 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b)
 18 **Such a member is also entitled to and** reimbursement for traveling
 19 expenses and other expenses actually incurred in connection with the
 20 member's duties, as provided in the state travel policies and procedures
 21 established by the department of administration and approved by the
 22 state budget agency.

23 (b) The members of the board shall organize by the election of a
 24 chairman and a vice chairman from among its membership. Such
 25 officers shall serve for a term of one (1) year. The board shall meet at
 26 least once in each calendar year and on such other occasions as it
 27 considers necessary and advisable. A meeting of the board may be
 28 called by its chairman or by a majority of the members on the board.
 29 Four (4) members of the board constitute a quorum. A majority of the
 30 quorum may transact business.

31 (c) The board is empowered to do the following:

- 32 (1) Establish reasonable application, examination, and renewal
 33 procedures and set fees for licensure under this article. However,
 34 no fee collected under this article shall, under any circumstances,
 35 be refunded.
- 36 (2) Adopt and enforce rules concerning assessment of costs in
 37 disciplinary proceedings before the board.
- 38 (3) Establish examinations of applicants for licensure under this
 39 article and issue, deny, suspend, revoke, and renew licenses.
- 40 (4) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, investigate and conduct
 41 hearings, upon complaint against individuals licensed or not
 42 licensed under this article, concerning alleged violation of this
 43 article, under procedures conducted in accordance with IC 4-21.5.
- 44 (5) Initiate the prosecution and enjoinder of any person violating
 45 this article.
- 46 (6) Adopt rules which are necessary for the proper performance

1 of its duties, in accordance with IC 4-22-2.

2 (7) Establish a code of professional conduct.

3 (d) The board shall adopt rules establishing standards for the
4 competent practice of psychology.

5 (e) All expenses incurred in the administration of this article shall
6 be paid from the general fund upon appropriation being made in the
7 manner provided by law for the making of such appropriations.

8 (f) The bureau shall do the following:

9 (1) Carry out the administrative functions of the board.

10 (2) Provide necessary personnel to carry out the duties of this
11 article.

12 (3) Receive and account for all fees required under this article.

13 (4) Deposit fees collected ~~with the treasurer of the state for~~
14 ~~deposit in the state general health professions investigations~~
15 fund.

16 (g) The board shall adopt rules under IC 4-22-2 to establish,
17 maintain, and update a list of restricted psychology tests and
18 instruments (as defined in section 14(b) of this chapter) containing
19 those psychology tests and instruments that, because of their design or
20 complexity, create a danger to the public by being improperly
21 administered and interpreted by an individual other than:

22 (1) a psychologist licensed under IC 25-33-1-5.1;

23 (2) an appropriately trained mental health provider under the
24 direct supervision of a health service provider endorsed under
25 IC 25-33-1-5.1(c);

26 (3) a qualified physician licensed under IC 25-22.5;

27 (4) a school psychologist who holds a valid:

28 (A) license issued by the professional standards board under
29 IC 20-1-1.4-2; or

30 (B) endorsement under IC 20-1-1.9;

31 practicing within the scope of the school psychologist's license or
32 endorsement; or

33 (5) a minister, priest, rabbi, or other member of the clergy
34 providing pastoral counseling or other assistance.

35 (h) The board shall provide to:

36 (1) the social work certification and marriage and family
37 therapists credentialing board; and

38 (2) any other interested party upon receiving the request of the
39 interested party;

40 a list of the names of tests and instruments proposed for inclusion on
41 the list of restricted psychological tests and instruments under
42 subsection (g) at least sixty (60) days before publishing notice of intent
43 under IC 4-22-2-23 to adopt a rule regarding restricted tests and
44 instruments.

45 (i) The social work certification and marriage and family therapists
46 credentialing board and any other interested party that receives the list

under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 26. IC 25-35.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 2. (a) The board:

(1) shall administer, coordinate, and enforce this article;

(2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;

(3) may issue subpoenas, examine witnesses, and administer oaths; and

(4) shall, at its discretion, investigate allegations of practices violating this article, subject to ~~IC 25-1-7~~. **IC 25-1-7.5.**

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption, the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

(1) administer or enforce this article;

(2) register persons in the process of fulfilling the clinical experience required for a license under this article;

(3) establish fees in accordance with IC 25-1-8-2; and

(4) register speech-language pathology and audiology aides and establish rules governing the duties of aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

SECTION 27. IC 34-18-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. (a) A health care provider's insurer shall notify the commissioner of any malpractice case upon which the insurer has placed a reserve of at least one hundred twenty-five thousand dollars (\$125,000). The insurer shall give notice to the commissioner under this subsection immediately after placing the reserve. The notice and all communications and correspondence relating to the notice are confidential and may not be made available to any person or any public or private agency.

(b) All malpractice claims settled or adjudicated to final judgment against a health care provider shall be reported to the commissioner by the plaintiff's attorney and by the health care provider or the health care provider's insurer or risk manager within sixty (60) days following final disposition of the claim. The report to the commissioner must state the following:

(1) The nature of the claim.

(2) The damages asserted and the alleged injury.

(3) The attorney's fees and expenses incurred in connection with the claim or defense.

(4) The amount of the settlement or judgment.

(c) The commissioner shall forward the report under subsection (b) to the health professions investigation division (IC 25-1-7.5).

SECTION 28. IC 34-18-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 4. (a) The medical review panel (as described in IC 34-18-10) shall make a separate determination, at the time that it renders its opinion under IC 34-18-10-22, as to whether the name of the defendant health care provider should be forwarded to the ~~appropriate board of professional registration~~ **health professions investigation division** for review of the health care provider's fitness to practice the health care provider's profession. The commissioner shall forward the name of the defendant health care provider if the medical review panel unanimously determines that it should be forwarded. The medical review panel determination concerning the forwarding of the name of the defendant health care provider is not admissible as evidence in a civil action. ~~In each case involving review of a health care provider's fitness to practice forwarded under this section, the appropriate board of professional registration and examination may, in appropriate cases, take the following disciplinary action:~~

~~(+) censure;~~

- (2) imposition of probation for a determinate period;
- (3) suspension of the health care provider's license for a determinate period; or
- (4) revocation of the license.

(b) Review of the health care provider's fitness to practice shall be conducted in accordance with IC 4-21.5.

(c) (b) The appropriate board of professional registration and examination shall report to the commissioner the board's findings, the action taken, and the final disposition of each case involving review of a health care provider's fitness to practice forwarded under this section.

SECTION 29. IC 34-30-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 11. If a waiver of the privilege is executed on behalf of the peer review committee in favor of the ~~attorney general~~ **health professions investigation division** for the purpose of conducting an investigation under ~~IC 25-1-7~~, **IC 25-1-7.5**, the records of, determinations of, or communications to a peer review committee are confidential and privileged under this section, except for the ~~attorney general's~~ **health professions investigation division's** use in an investigation to identify information otherwise discoverable or admissible from original sources under section 3 of this chapter.

SECTION 30. IC 34-30-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 12. This chapter does not prevent the attorney general **from obtaining by subpoena as part of a prosecution or the health professions investigation division** from obtaining by subpoena as part of an investigation under ~~IC 25-1-7~~ **IC 25-1-7.5** for a violation under IC 25-1-9:

- (1) the application for privileges or employment completed by the professional staff member under investigation regardless of whether the member is the subject of peer review committee proceedings;
- (2) except for reports prepared as part of a peer review investigation, incident reports prepared contemporaneously to document the circumstances of an accident or unusual occurrence involving a professional staff member regardless of whether the member is the subject of peer review committee proceedings; or
- (3) information otherwise discoverable from original sources, that is not the communications to, records of, or determinations of a peer review committee;

from a professional health care provider.

SECTION 31. IC 34-30-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 13. A subpoena issued by:

- (1) the attorney general to obtain the records necessary ~~to~~ **for a prosecution; or**

1 **(2) the health professions investigation division to obtain**
 2 **records necessary for an investigation; shall**
 3 **must** identify with reasonable particularity the documents sought and
 4 the specific professional health care provider under investigation.

5 SECTION 32. IC 25-1-9-18 IS REPEALED [EFFECTIVE
 6 NOVEMBER 1, 2000].

7 SECTION 33. [EFFECTIVE MAY 1, 2000] (a) **Notwithstanding**
 8 **IC 25-1-7.5, as added by this act, the attorney general shall receive,**
 9 **investigate, and prosecute the complaints that are filed before**
 10 **November 1, 2000, against a person in a regulated profession (as**
 11 **defined in IC 25-1-7.5-7, as added by this act).**

12 (b) **Notwithstanding IC 25-1-7.5, as added by this act, the health**
 13 **professions investigation division may not accept a filed complaint**
 14 **or investigate any complaint filed before November 1, 2000.**

15 (c) **Notwithstanding IC 25-1-7, as amended by this act, or**
 16 **IC 25-1-7.5, as added by this act, the attorney general shall**
 17 **complete the investigation and prosecution of any complaint filed**
 18 **before November 1, 2000, using the procedures under IC 25-1-7,**
 19 **before its amendment by this act.**

20 (d) **Notwithstanding any other law, all fees, civil penalties, and**
 21 **assessments collected by the health professions bureau or a board**
 22 **(as defined by IC 25-1-7.5-1, as added by this act) must be**
 23 **deposited in the health professions investigations fund established**
 24 **by IC 25-1-7.5-24, as added by this act.**

25 (e) **This SECTION expires November 1, 2005.**

26 SECTION 34. [EFFECTIVE UPON PASSAGE] (a) **Not later than**
 27 **July 1, 2000, the department of administration shall provide**
 28 **adequate office space for the health professions investigation**
 29 **division.**

30 (b) **This SECTION expires July 1, 2000.**

31 SECTION 35. **An emergency is declared for this act."**

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 320, as printed February 11, 2000).

Representative Brown T